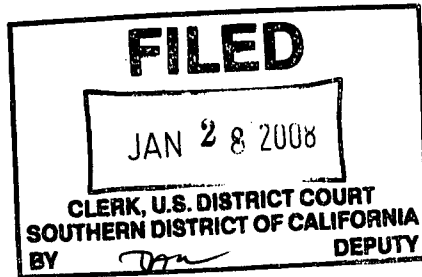


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8075

UNITED STATES OF AMERICA,
Plaintiff,

v.

Silvia HERNANDEZ (1)
Dulce MACIAS (2)

Defendant(s).

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 & 960

Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

That on or about January 26, 2008, within the Southern District of California, defendants Silvia HERNANDEZ and Dulce MACIAS did knowingly and intentionally import approximately 53.90 kilograms (118.58 pounds) of cocaine a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 952 & 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Special Agent Christopher Miller
U.S. Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28TH,
DAY OF JANUARY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Silvia HERNANDEZ (1)

4 Dulce MACIAS (2)

5 STATEMENT OF FACTS

6 This statement of facts is based on the reports, documents, and notes furnished
7 to US Immigration and Customs Enforcement Special Agent Christopher Miller.

8 On January 26, 2008 at approximately 2110 hours, Silvia HERNANDEZ and
9 Dulce MACIAS entered the United States at the Calexico, California, East Port of Entry.
10 HERNANDEZ was the driver and registered owner of a 1997 red Ford Expedition,
11 bearing California license plate 4USU673. Dulce MACIAS was the passenger in the
12 vehicle.

13 While performing a pre-primary roving operation, CBPO J. Jones observed his
14 Human Narcotic Detector Dog (HNDD) Trigger alert and respond to the gas tank of
15 HERNANDEZ' vehicle.

16 HERNANDEZ gave the primary inspector CBPO R. Ramos a negative oral
17 customs declaration. HERNANDEZ stated that she was on her way home to El Centro,
18 CA and that she was returning from eating in Mexicali. HERNANDEZ further stated that
19 she was the registered owner of the vehicle and has owned it for about a year. The
20 vehicle and its occupants were referred to the secondary lot for closer examination.

21 In the vehicle secondary lot, HERNANDEZ stated that they had been to the
22 dentist and visited family while in Mexicali. During further inspection of HERNANDEZ'
23 vehicle, CBPO T. Payne and J. Jones located an access plate under the rear
24 passenger seat. CBPO T. Payne and J. Jones removed the access plate revealing
25 packages in the gas tank of HERNANDEZ' vehicle.

26 A subsequent inspection of the gas tank revealed 49 packages. One of the
27 packages was probed and a sample of a white powdery substance was obtained, which
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1 field tested positive for cocaine. The 49 packages had a combined net weight of
2 approximately 53.90 kilograms (118.58 pounds).

3 MACIAS was placed under arrest and advised of her Constitutional Rights, which
4 she acknowledged and waived, agreeing to answer questions. MACIAS stated that at
5 approximately 0830 hours her and her aunt (HERNANDEZ) went to Mexicali in the red
6 Ford Expedition. While in Mexicali, MACIAS and HERNANDEZ went to eat and visited
7 a dentist. MACIAS stated that she lives with HERNANDEZ at 211 E. 7th St, Calexico,
8 CA.

9 On January 27, 2008, an interview was conducted of Emma Rodriguez, landlord
10 of 211 E. 7th Street, Calexico. Rodriguez stated that HERNANDEZ has not resided at
11 the aforementioned address since November of 2007, and MACIAS has never resided
12 at the residence.
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